

# Exhibit B

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON ENVIRONMENTAL  
PROTECTION

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December 14, 2021  
Start: 4:04 P.M.  
Recess: 4:20 P.M.

HELD AT: REMOTE HEARING VIRTUAL ROOM 2

B E F O R E: CHAIR JAMES F. GENNARO

COUNCIL MEMBERS: JAMES F. GENNARO  
HELEN ROSENTHAL  
CARLOS MENCHACA  
DARMA DIAZ  
STEPHEN LEVIN  
ANTONIO REYNOSO

A P P E A R A N C E S (CONTINUED)

1 COMMITTEE ON ENVIRONMENTAL PROTECTION

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2  
3 SGT. MARTINEZ: PC is up.

4 SGT. LUGO: Cloud is done. Good

5 afternoon, everyone. Welcome to today's remote New

6 York City Council vote of the Committee on

7 Environmental Protection. At this time would all

8 panelists please turn on your video. To minimize

9 disruption, please place electronic devices to

10 vibrate or silent. Thank you for your cooperation.

11 Chair, we are ready to begin.

12 CHAIR JAMES GENNARO: Okay. Good

13 afternoon. I'm Jim Gennaro, Chair of the Committee

14 on Environmental Protection. Today we will be voting

15 on three Bills. Two Bills that will reduce

16 unnecessary illumination on city owned and controlled

17 buildings, and one Bill that will ban the use of

18 natural gas in new buildings. All this legislation

19 will help us to reduce our greenhouse gas emissions,

20 reduce our greenhouse gases, and transition to a

21 sustainable future. Reducing unnecessary

22 illumination across the city is not simply a matter

23 of energy usage and carbon emissions. According to

24 the Audubon Society, New York City is located at a

25 point of concentration on the Atlantic fly away bird

1 COMMITTEE ON ENVIRONMENTAL PROTECTION

2 migration route. Twice a year, migratory birds fly  
3 along this path northward towards breeding grounds in  
4 spring and south towards warmer climates in the fall.  
5 The city's wide variety of habitats do attract many  
6 migratory species to the area for resting and  
7 nourishment along their journeys leading to making us  
8 be designated a high priority global important bird  
9 area for our bird life international and the Audubon  
10 Society. Unfortunately, the city's illuminated  
11 buildings have the potential to significantly entrap  
12 fly roots and can cause disorientation and wasted  
13 energy resources as birds fly in confusion. This  
14 wasted energy can lead; I can't wait to read the rest  
15 of this statement, (inaudible), terrible; by  
16 resulting in fewer birds able to complete their  
17 journeys successfully. Today, the Council will act  
18 to protect the hundreds of birds that use the  
19 Atlantic fly for migration. We're going to hear from  
20 Helen about this. We're also here to vote on Intro  
21 271-A, one of the lighting Bills which will reduce  
22 unnecessary illumination on city owned spaces by  
23 creating a phased timeline stipulating that 50  
24 percent of city owned and city-controlled buildings  
25 comply with occupancy sensor installation

1 COMMITTEE ON ENVIRONMENTAL PROTECTION

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3 requirements by 2020, 80 percent by 2025, and 100

4 percent by 2030. This Bill will also require the

5 Department of Citywide Administrative Services to

6 submit an annual report to the Mayor and the Speaker

7 of the City Council outlining changes in the number

8 of buildings, a percentage of compliant buildings and

9 a number of buildings that became complaint in the

10 previous calendar year. This local Law would take

11 effect immediately. We'll also hear and vote on

12 Intro 274-A, which mandates that city-owned buildings

13 turn off nonessential outdoor lightening between the

14 hours of 11:00 P.M. and 6:00 A.M. during peak avian

15 migration periods, from April 15 to May 31, and again

16 from August 15 through November 15 each year. This

17 local Law will take effect immediately. Finally, we

18 will vote on Intro 2317-A which would prohibit the

19 compression of any substance that emits 25 kilograms

20 or more of carbon dioxide per million BTUs of energy

21 as determined by the U.S. Energy Information

22 Administration and any newly constructed building and

23 (inaudible) to deny construction documents and

24 permits in connection with the building that would

25 require the (inaudible) of these substances with

exceptions for emergency standby power, a hardship

1 COMMITTEE ON ENVIRONMENTAL PROTECTION

2 preventing compliance with the Bill, where the  
3 compression of the substance is required by certain  
4 enumerated industries and whether combustion of the  
5 substance is used on intermittent basis in connection  
6 with a device that is not connected to the buildings  
7 gas supply line. This Bill will further require the  
8 Mayor's Office of (inaudible) to conduct two studies,  
9 one a study regarding the use of a heat pump  
10 technology, and two, a study of the impact of the  
11 spill on the city's grid. This local Law will take  
12 effect immediately. I'd like to thank the most  
13 terrific staff of the committee who have done such  
14 great work over the years, counsel of the committee,  
15 Tamara Swanson (SP?), Policy Analysis Nadia Johnson  
16 (SP?), Ricky Chala (SP?), and Financial Analyst,  
17 Jonathan Seltzer (SP?), and finally my Legislative  
18 Director with his great work, Navi Cara (SP?) for  
19 their hard work and it's not in the statement, but  
20 I'd be remiss if I didn't thank them in a special  
21 way, all the late nights that led up to, you know,  
22 2317-A and the very intense negotiations on that Bill  
23 which was a hard Bill to negotiate and edit it just  
24 right, but we struck that balance and I thank Jeff in  
25 a special way. Now, the prime sponsor of 2317 is

1 COMMITTEE ON ENVIRONMENTAL PROTECTION

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2 Council Member Ampry-Samuel. It's not in the  
3 statement. I just know that, and I know that Helen  
4 is either 271-A or 274-A; one is Helen, one is  
5 Brannan, and we'll be bringing Helen on. She will  
6 tell us all about that. Let me just recognize some  
7 of the Council Members that are here. We already  
8 know, we've already been going back and forth with  
9 Council Member Diaz, Council Member Rosenthal, I saw  
10 Steve Levin, Council Member Reynoso I see, Council  
11 Member Barron is on, now I see Steve, and I think  
12 I've covered everyone, and with that, it is my  
13 privilege to recognize Council Member Rosenthal for a  
14 statement and she will tell us whether she is the  
15 prime sponsor of 271-A or 274-A, okay?

16 COUNCIL MEMBER HELEN ROSENTHAL: Right,  
17 right. Thank you so much. Thank you so much, Chair  
18 Gennaro. I really appreciate you and appreciate your  
19 leadership on this committee. My Bill, which is  
20 0274-A, compliments Council Member Brannan's Bills,  
21 so together, they are basically going to end having  
22 illumination outside city buildings during peak  
23 migratory times, and you know, according to the  
24 Audubon Society, between 90,000 and 230,000 migrating  
25 birds died from ...



1 COMMITTEE ON ENVIRONMENTAL PROTECTION

2 CHAIR JAMES GENNARO: Segreant, if I  
3 could just jump in for a second. Sergeant, we seem  
4 to have some background noise. Someone's on the  
5 phone or something.

6 COUNCIL MEMBER HELEN ROSENTHAL: No,  
7 there's background noise where I am.

8 CHAIR JAMES GENNARO: Oh, I'm sorry.

9 COUNCIL MEMBER HELEN ROSENTHAL: I'm  
10 sorry.

11 CHAIR JAMES GENNARO: Oh no, it's okay.  
12 As long as it's you, I didn't want you to be  
13 interrupted, but if you're interrupting yourself,  
14 knock yourself out.

15 COUNCIL MEMBER HELEN ROSENTHAL: Thank  
16 you. No, I mean, if it's too loud, I can ...

17 CHAIR JAMES GENNARO: No, no, it's fine,  
18 it's fine. I just didn't want, I didn't want, for  
19 your sake, I was doing it, yeah.

20 COUNCIL MEMBER HELEN ROSENTHAL: I  
21 appreciate you. So, anyway, hundreds of thousands of  
22 birds are killed every year because of the lights,  
23 because New York City is right in the path for these  
24 migrating birds so, we're going to, you know,  
25 meaningfully impact those, have a decrease in those

1 COMMITTEE ON ENVIRONMENTAL PROTECTION

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3 numbers. This year in particular, we lost hundreds

4 and thousands of beautiful, yellow songbirds which

5 was heartbreaking. For those of you who are

6 interested in helping track this information, you can

7 go onto the Audubon Society's website and download an

8 app and you can help the Audubon Society track when

9 you find dead birds, but the numbers should be going

10 down tremendously over the next few years which is

11 great. My office is right next door to the wild bird

12 fund where at these two times of the year, people

13 come in with birds that have been stunned and have

14 fallen to the ground and have been stunned, and

15 actually the wild bird fund can give information

16 about how to revive the birds. Often times, they're

17 stunned, they're not dead, so a lot of people care

18 deeply about this issue. I'm so proud to be the

19 sponsor of one of these Bills. I really want to

20 thank Tamera Swanson who has worked on these and

21 other Bills tirelessly for so many years. It's just

22 been a pleasure working with you, and of course,

23 thank former Council Member Costa Constantinides who

24 has led so much on these issues, and to Jeff Baker

25 and to all the committee staff and to the Sergeants

1 COMMITTEE ON ENVIRONMENTAL PROTECTION

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2 here, thank you so much for all of your support,  
3 assistance, thank you. That's it for me.

4 CHAIR JAMES GENNARO: Thank you, Council  
5 Member Rosenthal. You made a great contribution  
6 here. It was a very, you know, it was a very  
7 illuminating hearing, hearing all of the, you know,  
8 stories of strikes and the impact of lighting and how  
9 they can be used, and at the end of the day, we're  
10 talking about city owned buildings here. So, there's  
11 no reason whatsoever why the city shouldn't step up  
12 in its own buildings, and make sure that it does the  
13 right thing, and you know, because of it's Bill and  
14 its companion Bill by Council Member Brannan, you  
15 know, that would be the case. So, this is really a  
16 great day and for birds, and yeah, does anyone else  
17 wish to be heard before I ask the clerk to call the  
18 roll? Seeing no one else wishing to be heard, I'll  
19 ask the clerk to call the roll on all items which  
20 will be coupled.

21 COMMITTEE COUNSEL: Thank you and good  
22 afternoon. This is the Committee on Environmental  
23 Protection, roll call vote on Proposed Intros 271-A,  
24 274-A, and 2317-A. Chair Gennaro.

25 CHAIR JAMES GENNARO: I.

1 COMMITTEE ON ENVIRONMENTAL PROTECTION

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2 COMMITTEE COUNSEL: Council Member Levin.

3 COUNCIL MEMBER STEPHEN LEVIN: Yes, Mr.  
4 Chairman, I'd like to vote I on all, and I'd like to  
5 sign on to every Bill being heard today, thank you.

6 COMMITTEE COUNSEL: Thank you. Council  
7 Member Menchaca.

8 COUNCIL MEMBER CARLOS MENCHACA: Hi  
9 everyone, thank you, and I just want to say thank you  
10 to Council Member Helen Rosenthal. You know, during  
11 COVID, I feel like one of the things that I got  
12 reconnected to as a boy scout, as an early boy scout  
13 back in my youth was birdwatching, and I feel like  
14 this Bill has had multiple conversations about it,  
15 and my District really came together and sent me a  
16 lot of messages about it. Of course, I said I'm  
17 supporting it from the beginning, but it was not easy  
18 to get these Bills done in these last six months.  
19 Helen understands that. Now, all the Bills that we  
20 wanted to get done, got done, but I'm glad this one  
21 did. Thank you, Helen, from the bottom of my heart,  
22 and all of the people in my district that emailed  
23 about this, and to all the birds that I do see, you  
24 know, dead, I think about what we're going to do  
25 today, and I'm thankful. Thank you, Helen. I vote I.

1 COMMITTEE ON ENVIRONMENTAL PROTECTION

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2 CHAIR JAMES GENNARO: Thank you, Council  
3 Member Menchaca. I'm sorry, I didn't see you on the  
4 screen when I read out the Council Members before. I  
5 don't think ...

6 COUNCIL MEMBER CARLOS MENCHACA: That's  
7 okay, Chair. It's all good. I still love you.

8 CHAIR JAMES GENNARO: Okay, but I  
9 appreciate that and I appreciate you and I appreciate  
10 your valuable contributions to the committee and  
11 thank you for your kind statement towards Helen and  
12 all of the good work that she has done.

13 COMMITTEE COUNSEL: Council Member Darma  
14 Diaz.

15 COUNCIL MEMBER DARMA DIAZ: Yes, it's  
16 been a pleasure. I think it's officially my last  
17 hearing, my last vote as a Council Member and there's  
18 no greater pleasure than closing my voting with Chair  
19 Gennaro. Thank you very much.

20 CHAIR JAMES GENNARO: Thank you so much,  
21 Darma, and on that really sweet note, but we're going  
22 to see you tomorrow, Darma, we're seeing you  
23 tomorrow.

24 COUNCIL MEMBER DARMA DIAZ: Yes, yes,  
25 but...

1 COMMITTEE ON ENVIRONMENTAL PROTECTION

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2 CHAIR JAMES GENNARO: ... we're seeing you  
3 tomorrow.

4 COUNCIL MEMBER DARMA DIAZ: As for  
5 committees, this is it. This should be it.

6 CHAIR JAMES GENNARO: (Crosstalk). Okay,  
7 I look forward to seeing you and everyone else  
8 tomorrow. With that, this hearing is adjourned.

9 CHAIR DARMA DIAZ: Thank you.

10 COUNCIL MEMBER ANTONIO REYNOSO: John, I  
11 don't think I got the opportunity to vote.

12 CHAIR JAMES GENNARO: Oh.

13 COUNCIL MEMBER CARLOS MENCHACA: Hi  
14 Reynoso. Sorry, it's okay.

15 COUNCIL MEMBER ANTONIO REYNOSO: Oh, my  
16 goodness. I was just about to line our Gennaro being  
17 the kindest Chair I've ever met in my life.

18 CHAIR JAMES GENNARO: Oh, my God.

19 COUNCIL MEMBER ANTONIO REYNOSO: I'm not  
20 even going to make that statement anymore.

21 (Crosstalk).

22 CHAIR JAMES GENNARO: I'm blaming the  
23 clerk. I'm blaming the clerk (laughing).

24 COUNCIL MEMBER ANTONIO REYNOSO: I want to  
25 be added on to all the Bills. I vote I, and Gennaro,

1 COMMITTEE ON ENVIRONMENTAL PROTECTION

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2 you're truly like a ray of sunshine, positive energy  
3 that is all too needed in this type of work, so I  
4 want to thank you for how you Chaired it.

5 Congratulations to Council Member Helen Rosenthal and  
6 please add me to all the Bills. I think this is great  
7 day for this committee and for New York City too.

8 CHAIR JAMES GENNARO: Thank you, Council  
9 Member, a pleasure, and you know, yeah, sorry about  
10 it. It looks like we're all one family now.  
11 Everything together (crosstalk) in the picture as  
12 well, and so that makes it even sweeter. Okay, for  
13 the second time.

14 COUNCIL MEMBER STEPHEN LEVIN: Wait  
15 Chair, hold on, hold on, I just want to second  
16 Antonio's remarks and say just categorically what a  
17 delight it is to have you back in the Council  
18 Chairing this committee. You're one of the best.

19 CHAIR JAMES GENNARO: Thank you, Steve,  
20 and after all I said about one of your Bills  
21 recently, you're so nice to say that, you know. I  
22 went after Steve on one of his Bills like Gennaro-  
23 style, you know, he's a champ and look how sweet he  
24 is being. So, thank you, Steve.

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1 COMMITTEE ON ENVIRONMENTAL PROTECTION

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2 COMMITTEE COUNSEL: Chair Gennaro, I just  
3 wanted to let you know that the items were adopted by  
4 a vote of four in the affirmative, zero in the  
5 negative, and two abstentions, thank you, sir.

6 CHAIR JAMES GENNARO: Of course, they  
7 were. Who would vote against us? But thank you, Mr.  
8 Clerk. Okay, so I'm going for the, well, I left my  
9 gavel at home, so I can't do it like officially, so,  
10 with that, this hearing is officially adjourned.  
11 It's been fun. Okay, take care. See you all  
12 tomorrow.

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date January 31, 2022